



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/945,667 | 01/28/1998 | DAVID F HORROBIN | 34237/170943 | 2980 |

23370 7590 02/04/2003

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

| |
|----------|
| EXAMINER |
|----------|

ANDERSON, REBECCA L

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1626

DATE MAILED: 02/04/2003

27

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|--------------------------------|---------------------------------|--|
| Response to Rule 312 Communication | Application No. 08/945,667 | Applicant(s) HORROBIN ET AL. | |
| | Examiner Rebecca L Anderson | Art Unit 1626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 24 December 2002 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.


- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The Supplemental Information disclosure statement has not been considered because it is not in accordance with 37 CFR 1.97(d)(1): An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- (1) *The statement specified in paragraph (e) of this section; and*
- (2) *The fee set forth in § 1.17(p).*

The statement under 37 CFR 1.97(e) must state either:

- (1) *That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or*
- (2) *That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.)*


 JOSEPH K. MCKANE
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 1600